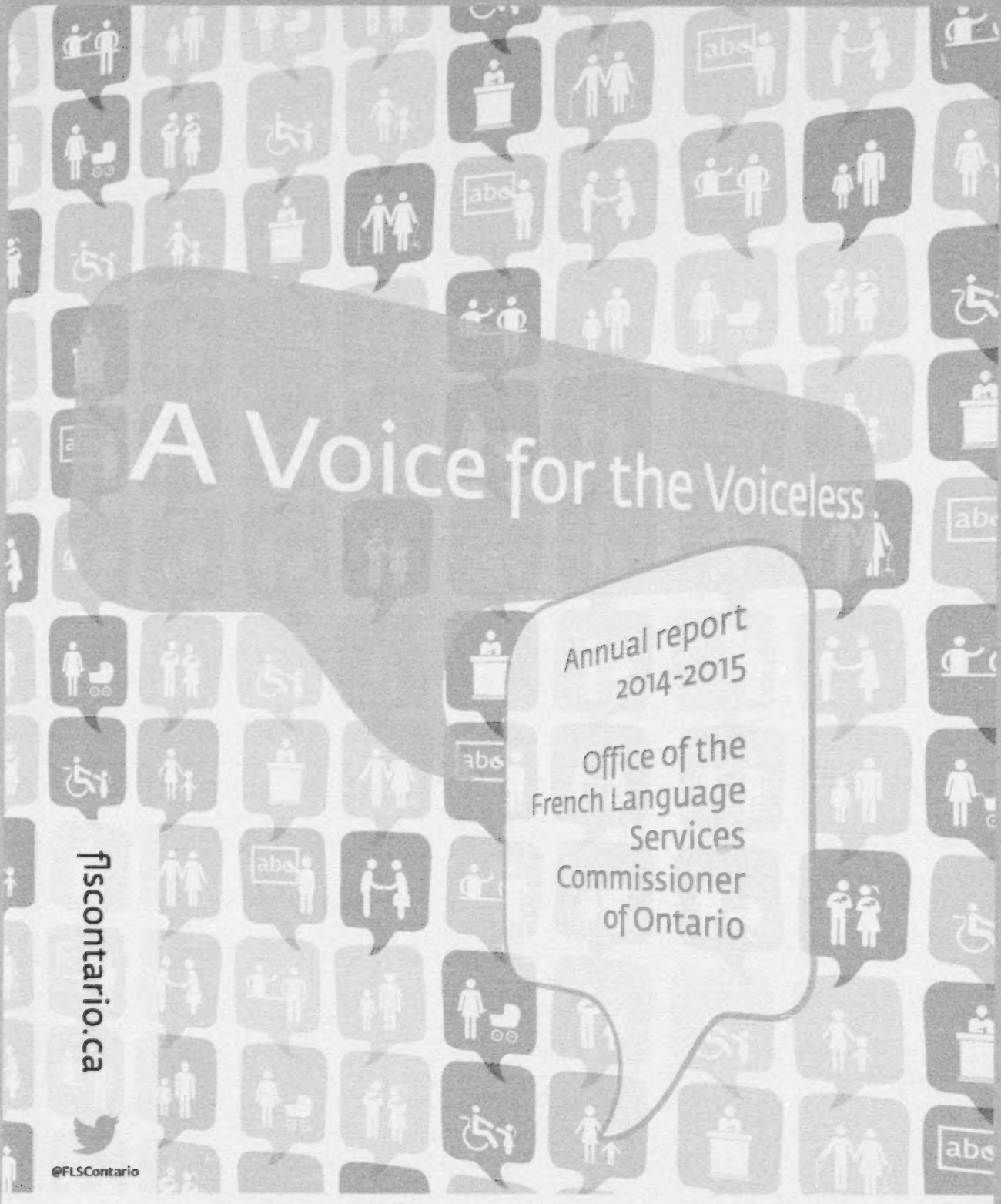


# A Voice for the Voiceless

## Annual report 2014-2015

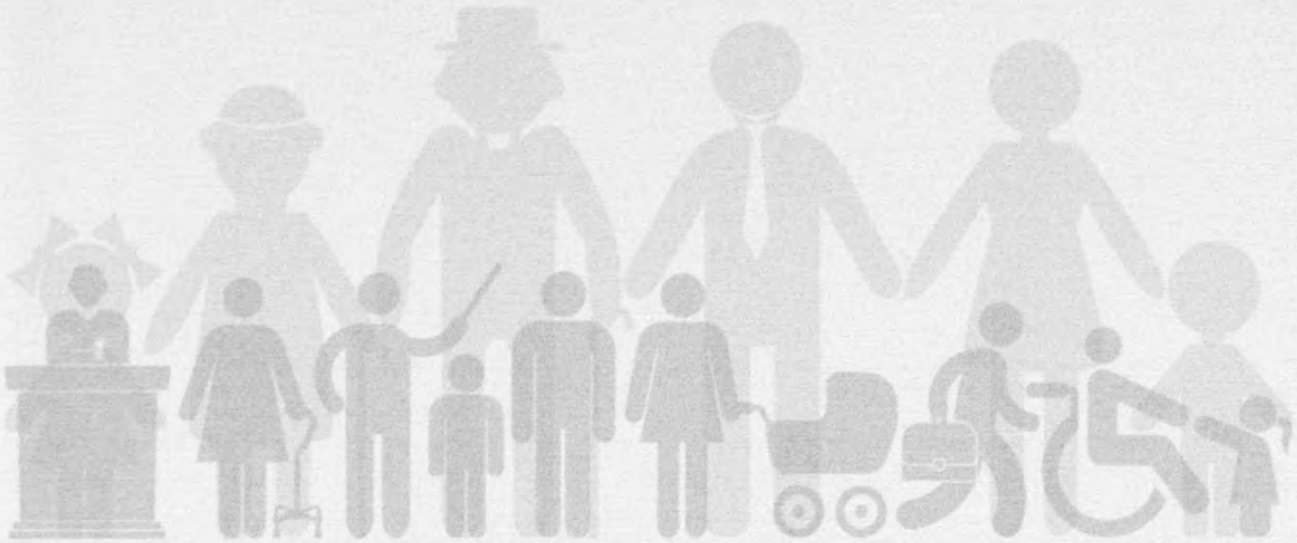
## Office of the French Language Services Commissioner of Ontario

flscontario.ca

@FLSContario

Commissariat aux services en français de l'Ontario

Office of the French Language Services Commissioner of Ontario



You may order free copies of this document or any of our other publications by contacting our office.

By mail: Office of the French Language Services Commissioner
700 Bay Street, Suite 2401
Toronto, Ontario
M7A 2H8

By email: flsc-csf@ontario.ca
Toll free: 1 866 246-5262
Toronto area: 416 314-8013
By fax: 416 314-8331
TTY (teletypewriter): 416 314-0760

This document is also available in an accessible electronic format (HTML) and as a downloadable PDF at www.flscontario.ca under the PUBLICATIONS section.

© Queen's Printer for Ontario, 2015
ISSN 1916-9175 (print, imprimé)
ISSN 1916-9183 (online)

ISBN 978-1-4606-1904-9 (print, imprimé)
ISBN 978-1-4606-5849-9 (PDF)
ISBN 978-1-4606-5848-2 (HTML)

2015

# TABLE OF CONTENTS


**Letter to the Speaker** ..... 2

**Foreword** ..... 3

**Government response to the 2013-2014 recommendations** ..... 7

Recommendation 1: Standing committee on French-language services ..... 7

Recommendation 2: A needle in a haystack ..... 7

Recommendation 3: Francophone immigration: The door is finally open ..... 8

Recommendation 4: Access to justice in French: The pilot project has been announced! ..... 9

**Strategic priorities** ..... 10

Justice: When there are more than a few misses ..... 10

Health: Looking for a remedy ..... 13

Young people: Who's turning a deaf ear? ..... 18

Immigration ..... 19

**Collaborations and agreements: Going above and beyond** ..... 21

Law Society of Upper Canada ..... 21

TO2015 ..... 22

Elections Ontario ..... 22

**Issues to watch** ..... 23

Services for parents of dyslexic children ..... 23

Occupational training ..... 23

Penetanguishene General Hospital ..... 24

Centre Jules-Léger ..... 24

Follow-up on the investigation of Greater Toronto Area (GTA) schools ..... 24

City of Ottawa ..... 24

Direction Ontario ..... 24

**Some good moves** ..... 25

Best practices ..... 25

Noteworthy initiatives ..... 27

Honourable mentions ..... 27

**Budget** ..... 27

**Statistics** ..... 28

**Conclusion** ..... 30

# LETTER TO THE SPEAKER

June 4, 2015

The Honourable Dave Levac
Speaker
Legislative Assembly
Province of Ontario
Queen's Park

Mr. Speaker,

In accordance with section 12.5(1) of the *French Language Services Act*, I am pleased to submit to you herewith the eighth annual report of the French Language Services Commissioner of Ontario.

This activity report covers the period from April 1, 2014, to March 31, 2015.

Please table this report in the Legislative Assembly, as specified in section 12.5(3) of the *Act*.

Respectfully,

François Boileau
French Language Services Commissioner

# FOREWORD

I have the impression that no one yet understands just how much work is done by the Commissioner's Office on a weekly basis. Our work isn't simply a matter of making sure that all government documents are provided at the same time in both languages, or that all communications, whether on a website, on social media, in person, at a service desk or on the telephone, can be carried on smoothly in either language, without additional delays and in keeping with the same standards of quality. We do handle complaints on these subjects, of course.

However, we do so much more. We deal with human reality in all its complexity and all its vulnerability. So, in this year's annual report, I'd like to point out that there are real people, who are experiencing real difficulties and need services offered actively in French, in every designated area, indeed in every part of Ontario.

Many people in vulnerable situations will never complain or insist on their rights. Those who dare to do so are few and far between. Meet Ms. Tremblay (a fictitious name to preserve her and her child's anonymity). Her distressing story has a domino effect because it involves a number of sectors (health centres, health professionals, hospitals, municipal police services, justice, children's aid, and so on), illustrating the complexity of certain cases. Too many stories like this one go untold.

# Diary

## My descent into hell

**June 2013**

*I figured something was wrong, with good reason. I've just found out that my son was abused by his father, my own husband. What can I do? I call a help line, and a Francophone counsellor advises me to report the case to the Children's Aid Society.*

*The lady responsible for admissions at the CAS says she's bilingual, but I have a hard time understanding her in French. When she questioned my son, he hardly said a word and didn't talk about what happened with his father. So I asked to speak to a bilingual staff person. The CAS replied, "But the person you are speaking to is bilingual." So I realized they hadn't understood anything!*

*Meanwhile, they tell me to go to the police. I ask to see a female officer who speaks French for my son. They found one. Except that they put my son in a separate room with an Anglophone trainee while I was being interviewed (in English). My interview is interrupted three times, because my son wants me. He doesn't want to play with the English-speaking lady. As a result, he clammed up during his interview.*

*A few days later, I learn that the CAS sent my son's daycare centre and French-language school a letter in English saying that the father is not allowed to see the boy.*

*Finally, it's the day of the hearing. The lawyer assigned to me by the CAS speaks only English. Same with the social worker. At least the judge speaks French.*

*As recommended, I find myself a bilingual lawyer. My doctor, even though he's a Francophone, sends her a letter in English attesting that I am fit to go ahead with the legal proceedings. She then asks me to translate all the statements I've made so far. It will be easier to do it in English, she says. I gave in – I have to pick my battles: my son's safety rather than my language. Nevertheless, I keep my son's statements as is, in French. They are his words, in his language.*

*I get an appointment to have my son examined at the children's hospital. The specialist doesn't speak French, but his nurse does. My son was comfortable with her. When it's in his language, he's calmer, more open and more likely to talk.*

**June 2013**

*I go back to court. The judge is English-speaking. To make matters worse, the CAS isn't there, but they sent a fax in English that morning. The letter recommends supervised visits for the father and offers to hold the visits in French at the CAS offices. They say it will take two weeks to find someone who speaks French to supervise the visits. Then the judge surprises everyone by asking me to find someone to supervise my son's visits. I panic. I have to call people and tell them about my situation. I haven't spoken to anyone about it! I'm too ashamed.*

**September 2013**

*After four months with the admissions manager, the CAS finally assigned a Francophone social worker to me.*

**November 2013**

*I go back to court, still for joint custody. To my surprise, it's not a judge but a mediator who's there. He doesn't speak French.*

**March 2014**

*I go back to court. The judge is supposedly bilingual, but the trial is in English. Since we haven't had any supervised visits for the last seven months, the father's lawyer suggests that the boy's aunt (theoretically my sister-in-law) should supervise visits. I strongly object. She's the abuser's sister; she's not impartial. What's more, she doesn't speak French; she was raised in English.*

*The judge asks the aunt, "Do you speak French?" She makes a faltering attempt to speak French. The judge replies, "Your French is as good as mine", which got a laugh from the people in the courtroom. The judge says, "I'm going on vacation. I'm going to make a decision and you might not like it, but I don't want to think about it while I'm on holidays." He orders visits supervised by the English-speaking aunt. Unbelievable. He also suggests my son undergo a psychological evaluation.*

**Summer 2014**

*For my son's psychological evaluation, I find a Francophone psychologist; the father finds an Anglophone psychologist. The father objects to my choice; I object to his. I keep looking in the National Capital Region, and no one can help me in French. I find an Anglophone psychologist in Gatineau whose Francophone assistant can translate the proceedings. I refuse. I went so far as to find a female Francophone psychologist in Montreal. I had to travel to Montreal four times so that she could complete her evaluation for the court. I'm not giving up even though I'm at my wit's end.*

**October 2014**

*I go back to court. The judge speaks French – what a relief! The psychologist's report written in French says that I should have full custody. I had to go outside my province to get a report in my language that supports my position in court.*

*And after all this effort to get custody, a bombshell: the father renounces his parental rights. Is it over?*

*Nothing's over. Currently, I'm continuing the process of getting guidance for my son with French-speaking professionals. I don't feel like I've won. In fact, I'm disappointed. Many people have disappointed me. The entire system has disappointed me. When you're in a crisis, you're vulnerable. I didn't expect to face these gaps in French-language services in the nation's capital.*

*I'm well-educated, and I have a good family and a good network. But I've hit bottom. My path was littered with obstacles to getting services in French, and I feel as if the message is that there's no point in fighting.*

## Is she right? Is there no point in fighting?

I hope not; I hope she's wrong. But I can certainly understand her weariness. The Franco-Ontarian community, collectively, has made huge strides in the last few decades; no one questions that. In 2016, we will celebrate the 30th anniversary of the *French Language Services Act*. But all these efforts and collective gains are not worth much if, at the human and therefore highly individual level, a citizen cannot obtain the high-quality services to which he or she is entitled on a timely basis. This is why it is so crucial to extend a hand to these Francophones, provide them with the right services, and show them that as citizens they are just as important as their Anglophone compatriots. Because, in the end, abandoning a citizen seeking services in French, especially if he or she is in a vulnerable situation, amounts to abandoning the entire community, the province and the country.

## We are Ontario; we are leaders in Canada. Let's act like it.

I would be remiss if I did not take the opportunity to thank all of the staff members, Alison, Anne and Mohamed, as well as François-Michel and Kim, who unfortunately had to leave us this year, for their exceptional contributions. Once again, in a year when, to our great disappointment, the new resources that we have been hoping for since 2007 were still not forthcoming, they have shown remarkable empathy, attentiveness, professionalism and commitment. Thank you.

# GOVERNMENT RESPONSE TO THE 2013-2014 RECOMMENDATIONS

## Recommendation 1: Standing committee on French-language services

Overall, the Commissioner is quite satisfied with the government's response to his first recommendation as an officer of the Legislative Assembly.

The Commissioner recommended that a standing committee on French-language services, specifically assigned to deal with issues related to the welfare and full development of Ontario's Francophone community, be appointed during the 2015-2016 fiscal year. In response, the government expressed a desire to initiate discussions with the other leaders concerning the possibility of establishing a standing committee. There may also be other means that would help to ensure a firm engagement by the Legislature regarding issues related to Francophone affairs.

It is still time to take action, the Commissioner points out. In an editorial entitled "La tribune de l'officier"[1] [the officer's forum] of July 12, 2014, *Le Droit* editorial writer Pierre Bergeron acknowledged that [TRANSLATION] "there is still work to be done to provide the Commissioner with all the tools required to ensure that the delivery of French-language services meets the expectations and needs of the Franco-Ontarian community." With regard to the Commissioner's recommendation, he adds:

[TRANSLATION] "The initiative would be appealing to the extent that it becomes a real forum, if it can lead to real change and keep the pressure on the Office of Francophone Affairs, under the responsibility of Minister Madeleine Meilleur, to produce results."

The recommendation was not aimed directly at the government. Clearly, though, as the party with the majority of representatives in the Legislative Assembly, the governing party could have a major influence on any decision made by MPPs.

It would also be desirable to consider establishing a parliamentary committee of all officers of the Assembly. As mentioned in the previous annual report, these officers really have no forum in which to discuss their recommendations with MPPs. Initiating a discussion in the public forum is fine, but it would be even better if MPPs could dialogue with their officers directly by bringing in government officials concerned with the officers' recommendations. After all, no officer is completely independent; all of them are accountable to the Legislative Assembly.

## Recommendation 2: A needle in a haystack

The Office of Francophone Affairs does extremely important work with its meagre budget of $5 million and its 26 employees. But what it does generally remains a mystery to French-speaking citizens and taxpayers.

In response to the recommendation to submit an annual report to the Legislative Assembly, the Office says that it has in fact been producing an annual report since the *French Language Services Act* (FLSA) was passed in 1986. If that is the case, why don't we know about it?

According to the Office, its annual report is issued as an appendix to its Results-based Plan. This makes no sense. In fact, the Office chose to justify this practice by explaining that the majority of ministries do it this way. The Commissioner's conclusion is that the Office is simply complying with the standard established by the administration and is not being sufficiently proactive with regard to transparency. Moreover, since the Results-based Plan is submitted to the Treasury Board, it could be reasonably said that the Office is circumventing the *FLSA* by not submitting its annual report to the Legislative Assembly.[2]

As for the format of the annual report, it is inadequate and in no way reflects the magnitude of the work done for the Francophone community. It consists of just two and a half pages of text, most of which is repeated from previous annual reports.[3]

---

[1] Pierre Bergeron, "La tribune de l'officier", *Le Droit*, July 12, 2014.

[2] *French Language Services Act*, R.S.O. 1990, Chapter F.32, section 11 (3).

[3] This annual report can be consulted online on the Office of Francophone Affairs website under the "About the OFA and its Programs" menu of the lateral sidebar by clicking the "Plans and reports" tab. But one has to know the annual report is actually an appendix of the "Result-based Plan Briefing Book", which is not evident for the ordinary citizen.

The community deserves better. The annual report of the Office of Francophone Affairs should be in a prominent location. Annual reports that concern the Francophone population should be available with as few clicks as possible, so that readers don't get lost navigating the Office's website.

However, resolutely optimistic by nature, the Commissioner does see a ray of hope. The Office of Francophone Affairs "is committed to providing an enhanced annual report that is more detailed and relevant to the Ontarian public." The Office has also committed that this annual report will be tabled at the Legislative Assembly. Is it conceivable, then, that a deeper dialogue might now be initiated between the Minister and the Franco-Ontarian community, through the Office? We hope so.

Lastly, the Commissioner urges the Attorney General of Ontario to take the opportunity to ask the Legislative Assembly's Standing Committee on Justice Policy, where she is a member, to invite the Office of Francophone Affairs to appear before it. At last report, the Office had still not been summoned to a meeting of this important committee to discuss issues relating to the *FLSA*. The momentum is there – let's make use of it.

# Recommendation 3: Francophone immigration: The door is finally open

The Commissioner recommended that the Ministry create a group of experts to develop a government-wide strategic plan, with a specific timetable, for achieving the 5% target for Francophone immigration.

The Commissioner is aware that this is a matter of shared jurisdiction (federal-provincial). That is why he reinforced his recommendation in a joint report with his federal counterpart in November 2014.[4] The two commissioners wanted to show that cooperation remains essential on this issue. It is imperative that the various levels of government work together so that Ontario receives its share of the influx of population from Francophone immigration. With this in mind, the commissioners made recommendations on the following concerns:

- support for French-speaking immigrants through Francophone organizations;
- information and resources for French-speaking newcomers;
- cooperation with the provincial and territorial governments;
- accountability; and
- incentives for employers to recruit and select Francophone and bilingual workers.

These recommendations, jointly developed with federal Commissioner Graham Fraser and New Brunswick Commissioner Katherine d'Entremont, were based on four guiding principles:[5]

- immigration's contribution to maintaining and increasing the demographic weight of Francophone communities;
- adjustment of federal policies and programs to the needs of recruiting and integrating Francophone immigrants;
- formation of solid federal-provincial community partnerships to ensure that immigration contributes to the development of Francophone minority communities; and
- implementation of an evaluation and accountability framework to measure progress and the attainment of immigration objectives.



[4] Office of the Commissioner of Official Languages of Canada and Office of the French Language Services Commissioner of Ontario, *Time to Act for the Future of Francophone Communities: Redressing the Immigration Imbalance*, joint report, Ottawa, 2014.

[5] For more information: http://csfontario.ca/en/articles/5144 (page consulted in May 2015).

Immigration is one of the cornerstones of this government. It is also one of the strategic priorities of the Commissioner's Office. In his 2012-2013 annual report, the Commissioner was very pleased with the express 5% target of Francophone immigration. But he also expressed a desire to see the Ontario government establish transparent accountability mechanisms for Francophone immigration. This wish was repeated in 2014. However, in 2015, at the time the Commissioner was drafting this report, nothing had yet been made public since the government's initial announcement in 2012 concerning the establishment of a 5% target for Francophone immigration. There was a huge gap between words and actions. Some initiatives or actions seem to be under development, but the Ministry made no mention of them in its initial response to the Commissioner. In this day and age, with the public as well as with the Commissioner, transparency, not opacity, is key.

The Commissioner has been patient enough on this issue and is now taking action. In response to his push and following his recommendation, the Ministry has committed to create an Ontario-specific group of experts. This group of experts will be co-chaired by both the federal and the provincial levels and will provide a public report. This report will describe a joint Canada-Ontario action plan to help each government meet its Francophone immigration targets. For Ontario, this work will result in:

- a government-wide action plan, with a specific timetable, for achieving the 5% target; and
- annual evaluation and accountability mechanisms that are transparent and accessible to the public.

This is good news. Let's wait to see who will be appointed to this group of experts and what will be the terms of reference. Also, the Commissioner is looking forward for further announcements and will keep the Ministry apprised of its commitments.

# Recommendation 4: Access to justice in French: The pilot project has been announced!

The Commissioner is pleased with the government's efforts to implement the recommendations of the important analysis of access to justice in French in the Rouleau-Le Vay report.

In October 2014, the government announced the implementation of a pilot project[6] at the Ottawa courthouse to facilitate access to justice in French. In addition, a Legal Community Engagement Committee was formed. This clearly demonstrates the seriousness of the effort, and the Commissioner is very pleased with it.

Despite the hope that this project will give a real shot in the arm to French-language services in the justice sector, there is a hitch. This pilot project is being carried out only in the Ottawa region. As a result, it fails to take account of the diversity between rural and urban areas. This is a missed opportunity to see what impact such a project would have in non-designated areas. In addition, the duration of the project is at least one year; however, it may not be possible to paint a real picture of the state of justice services in French in that time.

To ensure the project's success, the government will have to combine it with a promotional campaign to make people aware of it. In other words, to guarantee that the project will succeed, it will be necessary to show leadership and invest the necessary time and resources. The project is an opportunity for people to see for themselves what an equitable justice system for Francophones in a minority setting looks like, and, in particular, to obtain a road map for making it a reality.

Nevertheless, the Commissioner shares the enthusiasm of the government, which is banking heavily on this pilot project, since he continues to receive complaints about the lack of access to justice in French.

[6] For more information: http://news.ontario.ca/mag/en/2014/10/strengthening-access-to-justice-in-french.html (page consulted in May 2015)

# STRATEGIC PRIORITIES

Whenever a citizen does not have access to services in French, he or she stops believing in them. The citizen stops believing in his or her rights as a Francophone. The citizen stops believing in an entire system. The next few pages contain a detailed analysis of selected French-language service issues in specific priority sectors. It is not, however, a comprehensive review of all ministries, or of all government institutions. This year, the Commissioner's Office decided to focus on some of the most problematic cases, paying more attention to what the complainants have to say about their experience, whether the institutions being criticized like it or not.

## Justice: When there are more than a few misses

The justice sector remains in the Commissioner's sights, especially since it was deemed to be a priority for the Commissioner's Office in its latest strategic planning exercise. The team intends to pay closer attention to it over the next few years. The Commissioner's Office will also examine the impact of the pilot project announced by the Attorney General for the Ottawa region and, **in particular, how the legislative and regulatory framework ensures full equality for litigants**.

### Adjudicative Tribunals

Adjudicative tribunals are government agencies as defined in the *French Language Services Act*. Their adjudication role is to make rulings and hand down decisions for citizens who are unable to settle their disputes themselves. The clients of these tribunals are people who rely on social programs, or vulnerable people. All the services that these tribunals provide to the public must be available in French in designated areas of the province. In addition, their rules of evidence and procedure must be compatible with the spirit and the letter of the *Act*. Every year, the Commissioner's Office receives a number of complaints about these adjudicative tribunals. **This is an important issue that the Commissioner intends to monitor closely over the next few years**.

### Social Benefits Tribunal

The Social Benefits Tribunal (SBT) hears appeals of decisions regarding social assistance benefits. It holds hearings that are similar to court hearings, but much less formal. The SBT is now one of eight adjudicative tribunals within the Social Justice Tribunals Ontario (SJTO) cluster. This cluster of tribunals and 200 other tribunals, boards and commissions are part of Ontario's justice system.

Complaints to the Commissioner's Office about the SBT are not recent; the Office has been receiving them since it was established in 2007. Indeed, the subject has been dealt with at length in previous annual reports. The quality and accessibility of French-language services remain the central issues of the complaints. The list of shortcomings reported by complainants is getting longer.

> **Shortage of bilingual professionals and staff, absence of French-language services on the telephone and in person, disregard for the client's preferred language in correspondence, decisions written in English in cases heard in French, and long wait times and obstacles to obtaining a date for a hearing in French.**

Quite recently, the Commissioner's Office received a new complaint about this tribunal. A community legal clinic in Northern Ontario has a number of Francophone clients. With statistics to back it up, the clinic complained that Francophone clients have to wait longer than their fellow Anglophone citizens for a hearing date with the SBT. While it takes an average of a month and a half to get a response to a hearing date request and six months between the request and the hearing date for Anglophone clients, Francophone clients had received no response four months after their initial appeal request. Meanwhile, after several telephone follow-ups with the Tribunal, the clinic was apparently told, "Wait a bit longer; a notice will be sent out shortly." It was also informed that the hearing might be held in seven months, which is 11 months after the initial request. Such long wait times are unbearable for the clients.

This complaint is a perfect example of the delays in obtaining services and hearings in French. According to the clinic, the number of adjudicators capable of hearing a case in French is seriously inadequate. The result? Clients wonder if it is worth the trouble to wait for a hearing in French because of the time it takes, and they even consider trying to get by in English to speed up the process.

The Commissioner's Office has noted some progress, however. In fact, it has been confirmed by the SJTO that the Tribunal has taken steps to remedy the situation. According to the SJTO, appeal requests made in French in Northern Ontario were scheduled with a French-speaking adjudicator earlier than requests made for a hearing in English at this tribunal. This trend has apparently been noted for more than a year. Moreover, wait times in Northern Ontario are shorter for requests made in French than for requests made in English in the rest of the province because of the addition of bilingual staff. **Though compelling at first glance, these statistics do not lessen the complexity of the cases of vulnerable persons. Vulnerable persons often make do with the services they receive. They are not likely to demand their right to service in French, much less complain when they notice a shortcoming, for fear of sabotaging their request.**

The SJTO has also adopted a French-language services policy, which applies to all eight tribunals, including the SBT. The policy states that Francophone cases are assigned to bilingual staff and adjudicators as soon as possible. However, when a staff member or an adjudicator is not available, the policy specifies that an interpreter will be present at hearings. Although, the Commissioner reminds that interpreter service is not equivalent to service in French.

The Commissioner's Office commends the SBT on its improvements and efforts. These remedial actions are certainly positive. The Commissioner's Office would like to see the same outcome across Ontario, in other regions served by the SBT and other adjudicative tribunals. The quality of life of Francophone citizens who are already in disadvantaged situations is at stake.

## Criminal Injuries Compensation Board

Like any other adjudicative tribunal, the Criminal Injuries Compensation Board is autonomous and independent in the decisions it makes. Its role is to determine the amount of financial compensation awarded under the law to eligible persons, i.e., crime victims or members of their families. The Board, like any other tribunal, is required to provide services in French in designated areas.

In the case described in the box on the right, the story hasn't ended there. A Board official called the legal clinic back a month after the hearing held in English to apologize. She explained that she hadn't "arranged for an interpreter." Although a French-language services policy is in place, which provides for the possibility of obtaining interpretation service, the expectations of the Commissioner's Office are clear in this regard: these bodies must offer hearings in French. **Under the *Act*, interpretation service is simply not an equivalent service.**

The Ministry of the Attorney General confirmed with the Commissioner's Office that measures are indeed in place to provide hearings in French for crime victims. The Ministry noted that applications received in French are automatically routed to bilingual staff for a hearing in French. The Ministry also provides training for staff in the active offer of service in French. In the case described, it seems clear that these mechanisms did not work.

### Three strikes

"Our legal clinic operates in French and conscientiously represents French-speaking litigants before the Compensation Board. The matters that the Board deals with are often very difficult for these victims in vulnerable situations. With this in mind, we pointed out to the Board that one of the victims needed to be heard in French. We were told that that would be done. We confirmed this request on three occasions. Each time, we were assured that it would happen.

The day of the hearing, the panel members didn't know anything about a hearing in French. No arrangements had been made. Unfortunately, we had to go ahead in English, because of the delay we expected if we were given an adjournment. Our anxious client had already been looking forward to his hearing for a long time and couldn't imagine coming back another time. Do we have to accept such disregard more than a quarter-century after the adoption of the *French Language Services Act*?"

*A complainant*

## Court reporting in French

The number of cases where access to justice in French is thwarted is still surprising, in view of the awareness of language rights, the efforts of the Ministry of the Attorney General, and the agreements that this has produced to date. In the opinion of the Commissioner's Office, it is relevant to mention the domino effect that the lack of access to justice can have. When litigants are not informed of their rights and the possibility of having bilingual proceedings and being heard in their language, a series of misadventures ensues.

A Peterborough litigant named Agnès Whitfield learned this the hard way. She requested a bilingual proceeding so that she could be heard in French in her civil action against her brother, whom she accused of sexually assaulting her when she was a child. It took more than four years and a very bumpy ride to get a decision in her favour. At the time this report was written, the case was in appeal.

Looking back, Ms. Whitfield continues to discover, even now, that there were shortcomings in French-language services throughout her case. She says, regretfully, that it all began with the Toronto lawyer she consulted about her complaint against her brother. When the lawsuit was transferred to Peterborough, a non-designated area, she would like to have been informed that she could not have a bilingual proceeding. At the risk of simplifying complex procedures, the judge at the time effectively denied her that right, arguing that she had originally filed the complaint in English and that she spoke English.

Ms. Whitfield was educated in France and Quebec, lives with a Francophone from Montreal and is perfectly bilingual. In addition, she was sexually abused by her brother in English. English is also the language of censorship forced on her by her mother, who accused her of lying. She therefore wanted to use French to "dissociate herself" from her past for the duration of the trial.

> "I existed in French, in a language where censorship had never been exercised."
>
> *Agnès Whitfield*

Happily, in a May 1, 2014, decision by Justice J. R. McIsaac on the Whitfield case,[8] the Ontario Superior Court of Justice confirmed that the right to use French in the province's courts is not limited to Francophones. It is the right of anyone who speaks French. This decision also clarifies section 126 of the *Courts of Justice Act*, which says that the only requirement for the right to use French is that one must speak the language, which is the case for Ms. Whitfield.

Meanwhile, other obstacles arose. Ms. Whitfield was told that she would have to pay the interpretation and translation costs herself if she insisted on testifying in French. The defence lawyer also pressed her to sign English-language consent forms. The case is now in appeal, and Ms. Whitfield claims that she continues to face undue delays and waiting times to obtain copies of the transcripts.

> [TRANSLATION] "Why should French transcripts take longer than English transcripts? Working in French or in English should not affect the speed of a bilingual court reporter. This is an erroneous and unacceptable idea that infringes on the language rights of Ontario citizens who choose to use French, as an official language, in court. In my case, acceptance of this erroneous idea by the bilingual judge is allowing the opposing party to extend the time required to prepare the transcripts and, following a peremptory trial, unduly delay an appeal process that is already difficult for me to bear. In my case, the appellant is 70 years old, and most of the witnesses are in their seventies. Time is slipping away, and these undue delays may result in serious injustices."
>
> *Agnès Whitfield*

In response to Ms. Whitfield's requests for an explanation of these delays, the Ministry of the Attorney General apparently admitted that some factors may have an impact on the time required to produce the transcripts. However, the Ministry never acknowledged that the reporting language is not a factor, and therefore did not acknowledge Ms. Whitfield's argument and reasonable inquiries, which the Commissioner's Office intends to pursue.

---

[7] Caroline Montpetit, "Agressions sexuelles: Une anglophone de l'Ontario obtient gain de cause en français", *Le Devoir*, May 24, 2014.

[8] *Whitfield v. Whitfield*, 2014 ONSC 2745.

[TRANSLATION] "If these delays are due to a genuine problem, it is the responsibility of the Ministry of the Attorney General to take all necessary steps to remedy the situation quickly. On the other hand, if it is some sort of false stereotyping of bilingual trials as more 'complicated' than English trials, the Ministry has a duty to educate its staff, including the members of the judiciary, to counteract the negative impact that this kind of perception has on Francophones' language rights," added the complainant.

The circumstances surrounding Ms. Whitfield's case are a concrete example of the lack of access to justice in French in Ontario. It is a perfect illustration of the issue raised in the Rouleau-Le Vay report, which the Commissioner's Office endorses. This demonstrates the legal vacuum and a lack of assistance in the field that leaves Francophone litigants in a situation of flagrant injustice in areas that are not designated bilingual.

## Supervised visits

When a judge orders supervised parental visits with a child or children in a divorce case, for example, it is up to the parents to agree on the visit arrangements through lawyers. So far, so good. But when the language to be used during the visits becomes an issue, absurdity creeps in.

The Supervised Access Program falls under the Ministry of the Attorney General. It provides a safe location where a parent can re-establish or maintain his or her emotional relationship with the child in the presence of a staff member or volunteer who prepares observation reports. The Ministry contracts out administration of the program to community organizations. Private centres and individuals also provide the same service for a fee. Clearly, since they are not subsidized, they are not accountable to the Ministry.

Since Ontario Regulation 284/11 came into force in 2014, ministries are required to report on third parties delivering services on their behalf, including those who are obliged to provide French-language services in accordance with the *French Language Services Act*. This regulation settles the matter of government-funded centres that provide supervised access services. But when the program is managed by private centres, neither the Commissioner's Office nor the Ministry of the Attorney General have jurisdiction. It is reasonable, and disconcerting, to assume that many cases must arise that will never be reported.

For example, a lawyer recently contacted the Commissioner's Office to obtain assistance in finding someone to supervise visits between her client and the client's teenage daughter. Mother and daughter are both Francophones and speak French to each other. That goes without saying. But that is apparently not the case for private supervised access centres. Since a French speaker could not be found to supervise the mother-daughter visits, the visits took place in English. Naturally, this made the mother and daughter uncomfortable.

No one could remain indifferent to this distressing situation for a mother, or to the child's unease. Following this case, in the case of the Supervised Access Centres accountable to the Ministry, the Ministry confirmed with the Commissioner's Office that requests for services in French would not result in longer waits or delays when compared with those in English.

In another recent case, the Commissioner's Office reported that a father was told by the staff of a supervised access centre that if his conversations with his son could not be properly recorded because of the language, the centre would have no choice but to suspend the service. The matter has been resolved in short order with the help of the Commissioner's Office.

In the past, very few parents have had the courage to complain to the Commissioner's Office. Parents who complained to the Commissioner's Office prior to Ontario Regulation 284/11 coming into effect were able to obtain the services of an interpreter to translate the conversations of the Francophone parent and child with the assistance of the Commissioner's Office. This case-by-case solution is far from ideal. Parents are therefore encouraged to report such shortcomings and difficulties in obtaining supervised access in French to the Commissioner's Office.

# Health: Looking for a remedy

A healthy population is a thriving population. A vulnerable population is a population in need, affected by unfavourable circumstances. These circumstances become barriers, such as language, which prevent people from accessing available resources and services, among other things.

The *French Language Services Act* gives Francophones, particularly those in precarious situations, one less barrier to worry about. It's an entrenched right. Is this right being honoured? Is it understood and recognized? On the basis of the too often lame responses that the government provides to the Commissioner's Office in dealing with complaints, efforts need to be made to ensure a proactive approach to complaint resolution.

The absence of French-language services in the health care sector can go so far as to endanger citizens' lives. Young or old, immigrants or migrants, sick people do not have the luxury of waiting for someone to hire a bilingual person to serve them. And then there is the case of Francophone seniors. At a certain age, health deteriorates. Fighting to get care in French may not be an option. Bravo to those who dare to do so anyway; congratulations on your tenacity.

When complaints come in to the Commissioner's Office, time has already taken its toll. People are exasperated and frustrated and don't know where to turn. Some of these

complaints demonstrate a number of systemic problems to which the Commissioner's Office has been striving to draw attention for the last eight years.

## Kingston General Hospital

Francophones in the Kingston area have little choice when it comes to emergency care and health care in general. It is a designated area. Its two hospitals are not designated under the *French Language Services Act*; they are only identified. Consequently, they have no particular obligations under the *Act*.

A single complaint filed in this area in the summer of 2014 points to a whole series of systemic problems in the health sector. The case has multiple facets, including choice of language of service and wait times for Francophones. Another dimension is the almost superhuman effort it takes to file a complaint when the Francophone is already vulnerable because of his or her fragile health.

The complainant had a reaction to a medication and had to be rushed to Kingston General Hospital. Her ambulance ride was fine. Even though the paramedics were not subject to the *French Language Services Act*, they provided excellent service in French.

In the emergency room, the complainant, who was showing symptoms similar to those of a stroke, understood what the nurses were saying to her in English, but she was unable to speak English. All she could do was repeat herself in French. Yet, in her mind, she thought she was speaking English.

As it happens, the complainant is a retired nurse, and a nurse in the emergency room knew her. So this nurse insisted that she speak English. According to the complainant, one nurse ridiculed her by saying, "I know you can speak in English; we speak in English here."

Then she was apparently transferred from the emergency room to the psychiatric ward, in a room watched by a security guard. The alleged reason for the transfer: aggressiveness, hysteria and non-compliance, all because she was speaking in French. Finally, they found a bilingual nurse to help her. The Commissioner's Office wonders why this person wasn't called in at the outset and why they didn't at least contact an interpreter. Not surprisingly, the complainant absolutely refuses to go back to the Kingston General Hospital.

The hospital has apologized for this unacceptable experience for the patient. Worse yet, however, the hospital's initial responses suggested that there was no broader understanding of a problem that was much larger than an employee's lack of sensitivity. The problem is that there was no plan in place for French-language services and active offer.

Because of its identification as a health care institution, the hospital is required to provide some services in French. To do so, the hospital must have a plan and implement it to reduce the number of mistakes such as this one. That said, following inquiries from the Commissioner's Office, the hospital has started to look at improvements. In conjunction with the South East Local Health Integration Network (LHIN) and the French Language Health Services Network of Eastern Ontario, Kingston's hospitals are planning an information session on French-language service obligations for the area's Francophone community. The hospital's plan also includes other measures, such as the hiring of an assistant to support the implementation of the French-language services plan, the addition of signage on the availability of French-language services, and participation by a local planning entity officer in the French-language services committee. The Commissioner's Office is delighted with this show of good faith by the parties involved. As for the complaint, it demonstrates that it is important to inform the Commissioner's Office of such situations, as well as the positive results of good cooperation. Without complaints, there is little or no progress. Consequently, the Commissioner's Office salutes the work of the Kingston General Hospital, which managed to transform a systemic problem into an opportunity to make improvements and provide equitable services to Francophones.

## Action plan of the Ministry of Health and Long-Term Care

One of the elements in the 2012 action plan of the Ministry of Health and Long-Term Care, also included in the province's Patients First plan published in February 2015, was access to the right care at the right time in the right place. This action plan not only fails to consider Francophones but also focuses exclusively on achieving a better return on each dollar invested. **Let's be clear: shortcomings in French-language services, particularly in the health sector, can only result in additional costs**.

The government's recent Patients First action plan provides for the appointment of a Patient Ombudsman. The Commissioner's Office is pleased with this amendment to the *Excellent Care for All Act, 2010*. In fact, it intends to be proactive and work with this ombudsman to develop a memorandum of understanding on complaints resolution. Moreover, needless to say, the Commissioner's Office hopes that this important post will have the capacity to interact with the province's Francophones, by designating at least one of the investigator or complaint processing officer positions as bilingual.

## Senior citizens: A minority population that has rights

> By 2017, for the first time, Ontario will be home to more people over 65 than children under 15. Today, seniors account for nearly half of Ontario's health care spending.[9]

Getting old can be difficult. Worse, losing the ability to communicate in one's language when one is in a vulnerable situation and needs care makes life unbearable. The Commissioner's Office receives poignant complaints about seniors who cannot ask for help by themselves. Family members contact the Commissioner's Office on their behalf to get things moving. And in some cases, it works. While there is little that the Commissioner's Office can do when the situation is outside its jurisdiction, it always does its best to help citizens in need.

With a plethora of examples at its disposal, the Commissioner's Office is able to look a little more closely at what it suspects is just the tip of the iceberg. A lady in Ottawa-Carleton is caring for her 93-year-old mother on a full-time basis. Since this is very demanding, she would like to have access to a respite bed for her mother in a French-speaking setting so that she can get a bit of rest. As a result of her simple request, it was determined, with the assistance of the Commissioner's Office, that there are only a few such respite beds in this designated area with a high concentration of Francophones, compared with 17 beds for the rest of the population.

In Northern Ontario, a woman is taking care of her 97-year-old mother-in-law on a daily basis. She is making arrangements to obtain basic home care and services (preparing meals, making the bed, helping her to sit in her chair, etc.). The complainant had to make multiple attempts and repeat over and over, most of the time in English, that she needed home support workers who were Francophone or truly bilingual for her mother-in-law, who speaks only French. Despite her follow-ups, she was sent workers who didn't speak French on a number of occasions. According to the complainant, the director even told the staff member not to worry if the lady didn't speak English; he could communicate with her by playing charades! Worse still, it turned out that no one showed up, because no French-speaking workers were available on those days. A long period of frustration followed. Exhausted, the family tried to find a place in a long-term care home. They were offered a place in a Francophone home, but outside the city. Meanwhile, the 97-year-old mother-in-law broke a hip. As a result, she found herself in a residence where only English is spoken because of the proximity.

> [TRANSLATION] "What a frustrating experience! I called the Red Cross CarePartners and the Community Care Access Centre many times, mostly without any concrete results. We wouldn't wish our experience with this health and community service system on anyone!"
>
> *A complainant*

In view of the rapidity with which our population is aging, it is important to recognize that there is still a lot of work to do. That is the government's responsibility. It must be treated as a priority issue, since the Francophone population is older than the total population of Ontario.[10] What's more, the situations reported here all took place in designated areas. Already in a disadvantaged situation, Francophone seniors cannot afford to pay more to get health services in French. Especially since they are less likely to request such services, for a number of reasons: [11]

- fear of the specialized medical vocabulary used by their doctor;
- fear of not being capable enough and not understanding medical instructions;
- the feeling of being hurried because of the brevity of the consultation with the doctor; and
- difficulty expressing themselves in a second language and understanding English.

The Commissioner's Office recognizes that efforts, though isolated, are being made, and he appreciates them. But on a broader scale, one wish remains: that Francophones be considered in the government's action

---

[9] Ontario Seniors' Secretariat, *Independence, Activity and Good Health: Ontario's Action Plan for Seniors*, Toronto, 2013.

[10] For more information: http://www.ofa.gov.on.ca/en/franco-stats-seniors-2009.html?p=highlights (page consulted in May 2015).

[11] Louise Bouchard, Marie-Hélène Chomienne, Monique Benoit, Françoise Boudreau, Manon Lemonde, and Suzanne Dufour, "Do chronically ill, elderly Francophone patients believe they are adequately served by Ontario's health care system? Exploratory study of the effect of minority-language communities", *Canadian Family Physician*, Vol. 58, 2012.

plan. The government's most recent Action Plan for Health Care (Patients First, 2015)[12], Ontario's Action Plan for Seniors (2013)[13] and the recent report it commissioned on Ontario's Seniors Strategy (Living Longer, Living Well, 2012)[14] all fail to make reference to Francophone seniors, their specific needs and their rights under the *French Language Services Act*. These plans establish the priorities that the LHINs have to follow. **If none of the priorities consider Francophones, the LHIN will see no need to prioritize a minority population that nevertheless has rights.**

From this perspective, the government's lack of response to the argument made by the Commissioner in his 2012-2013 annual report on the need to develop an action plan to ensure that disadvantaged populations have genuine access to French-language services seems rather curious. The most fragile populations in our society, such as the elderly, should have ready access to the French-language services they need so desperately.

## Third parties: Still a bitter pill to swallow

In its 2013-2014 annual report, the Commissioner's Office revealed the serious threat of the lack of regulatory clarity that the LHINs raised under the government's nose. Irresponsibly, the LHINs argued that they are not required to ensure that services are provided in French in the health care sector. Therefore, according to the LHINs, they cannot "delegate" that responsibility to the health care service providers to which they contract out work paid for by public funds. In their view, Regulation 284/11 on the provision of French-language services on behalf of government agencies does not apply. The Commissioner's Office is still of the opinion that this does not make sense.

In the Commissioner's view, these discussions serve merely to muddy the waters. Remember, the new regulation was intended only to clarify existing obligations. It was not intended to add anything new. It was certainly not intended to absolve any governmental agency of existing responsibilities. The Ministry has confirmed to the Commissioner that the LHINs still have to fulfill their obligations. To argue otherwise is, in the Commissioner's view, a red herring.

The Ministry fully recognizes that the LHINs are, of course, subject to the *French Language Services Act* (FLSA) and must ensure that Health Services in Designated Areas of the Province are provided in accordance with the *Act*. The LHINs had, and still have, obligations regarding the delivery of health services in French. Before the advent of the LHINs, it was the Ministry of Health and Long-Term Care that had direct responsibility for providing health services in French in designated areas. Consequently, the Ministry had direct responsibility for identifying health care service providers, so it could require them to develop the capacity to provide services in French. However, the LHINs' arrival on the scene, replacing the Ministry in the direct relationship with health care service providers, is not a reason for Ontario's Francophone population to get the short end of the stick. Such an interpretation would not only be legally unthinkable; most of all, it would be simply ridiculous and insulting to the province's Francophones.

For the sake of clarity, we are not talking about organizations designated under the *FLSA*, which already have clearly defined obligations based on their status. The whole problem raised by the LHINs relates to the process of identifying providers of French-language health services in each of the 25 designated areas.

This identification process serves only to identify the Francophone community's needs in relation to a health service provided by the government and to compel the identified providers to deliver French-language health care services accordingly.

However, if the LHINs' legal interpretation prevails, it would mean that service providers can no longer be forced to build the capacity to deliver health care services in French. Such an interpretation would be completely inconsistent with the entire history of French-language services in the province in the health sector and certainly contrary to both the letter and the spirit of the *Local Health System Integration Act, 2006* and the *French Language Services Act*.

The identification process itself is already nothing more than a legal crutch that is, to put it politely, not very sturdy – a crutch on which the government leans to ensure the delivery of high-quality French-language services in the health sector. It would therefore be unthinkable to retreat on such a shaky instrument.

Since the intervention by the Commissioner's Office, no concrete measures have been undertaken to address this issue. A year has been lost. The Commissioner's Office does not intend to leave matters there. Health is one of the sectors with the largest number of third parties. The issue is too important to be swept under the rug. Over the next year, the Commissioner will consider what should be its next steps.

On a more positive note, the Ministry informed the Commissioner that interesting discussions in regards to addressing French-language service gaps are in the works

[12] For more information: http://www.health.gov.on.ca/en/ms/ecfa/healthy_change/ (page consulted in May 2015).

[13] Ontario Seniors' Secretariat, *op. cit.*

[14] For more information: http://www.health.gov.on.ca/en/common/ministry/publications/reports/seniors_strategy/docs/seniors_strategy_report.pdf (page consulted in May 2015).

between LHINs and their French Language Health Planning Entities. While it looks promising, the Commissioner is tempted to add that it's about time.

Since this matter relates to the Ministry of Health and Long-Term Care, the Commissioner's Office has noted that it could do a better job of communicating with the public on its website. In fact, most of the complaints about the Ministry have to do with the lack of appropriate communications in French.

Although a directive and guidelines on communicating with the public in French are in place, disparities persist in the information provided to Francophones. The Commissioner's Office is not referring to reports, news releases and announcements issued in French. The problem goes deeper. So deep and so far that one has to search for the French information about the health care services to which citizens are entitled. It takes patience and determination for Francophones to dig out this information from where it is buried on the Ministry's website. The Commissioner will also study this matter with a view to suggesting concrete steps that this ministry could take to be more attentive to the needs of Ontario's Francophones and encourage them more effectively to request health services in French.

## Active offer

Since the beginning of his mandate, the Commissioner made the principle of active offer one of his most important targets. Without active offer, particularly in the health sector, there cannot be a real understanding of the needs of the Francophone community, nor of its existence.

As he wrote in his 2013-2014 annual report: "...the current situation does not create an environment conducive to reaching those who are still hesitant to use services in French on a daily basis, nor to helping avert the constant threat of assimilation. The Commissioner believes that many breaches of the Act could have been avoided with a decidedly active provision of services in French. And those breaches could sometimes have dramatic consequences, as in the fields of health care and access to justice. Having failed to obtain a satisfactory outcome, the Commissioner will once again have to revisit this critical issue."

In March 2015, the Regroupement des Entités de planification des services de santé en français de l'Ontario and the Alliance des Réseaux ontariens de santé en français published a Joint Position Statement on the Active Offer of French Language Health Services in Ontario.[15] This short document, which is only three pages long, summarizes finely the issue of active offer in the critical health care sector. In their own words: "This position statement establishes the relevance of active offer, provides a definition adapted to health services for Ontario's Francophones and identifies the roles and responsibilities of several key actors in its implementation."

The Commissioner is delighted by this position statement. As specified in this Joint Position Statement:

> **"Active offer of health services in French is the regular and permanent offer of services to the Francophone population. Active offer of services:**
>
> - **respects the principle of equity;**
> - **aims for service quality comparable to that provided in English;**
> - **is linguistically and culturally appropriate to the needs and priorities of Francophones; and**
> - **is inherent in the quality of the services provided to people (patients, residents, clients) and an important contributing factor to their safety.**
>
> **It is the result of a rigorous and innovative process for planning and delivering services in French across the entire health care continuum.**
>
> **It depends on accountability at several levels and requires partners to exercise appropriate leadership with respect to health services in French.**
>
> **In concrete terms, it takes the form of a range of health services available in French and offered proactively, that is, services are clearly announced, visible and easily accessible at all times."**

[15] For more information: http://www.reseaudumieuxetre.ca/wp-content/uploads/2014/10/EnoncE_OffreActive_10mars15_ANG.pdf (page consulted in May 2015)

The Réseau and the Alliance's Joint Position Statement also indicates in a section on the implementation of this statement on active offer that:

> **"Implementation of active offer of French language health services requires an appropriation of responsibility at several levels:**
>
> - **The system (Ministry of Health and Long-Term Care, LHINs) that designs the policies and programs, sets the rules, allocates resources, retains providers' services and holds them accountable;**
> - **The organizations that provide the services;**
> - **The professionals who work with patients, residents and clients; and**
> - **The individuals who use health services.**
>
> **Careful planning of active offer at each of these levels is necessary to ensure effective implementation and optimal conditions for Francophone patients."**[16]

The Commissioner intends to come back to this issue again, during the course of the next year. In the meantime, he can only congratulate the authors of this statement for its clarity and brevity and its desire to convince the relevant stakeholders of the validity of this statement. He offers them his collaboration to ensure its full implementation.

# Young people: Who's turning a deaf ear?

## Infant Hearing Program to identify children who are deaf or hard of hearing

The Infant Hearing Program (IHP) is administered by the Ministry of Children and Youth Services. IHP identifies babies born deaf or hard of hearing and provides supports and services needed to develop language and early literacy skills so children can meet their full potential.

It normally takes a number of complaints to detect a systemic problem; the following complaint uncovered a serious fundamental problem.

A complainant was using the services of the Infant Hearing Program for her three-and-a-half-year-old daughter. She was learning to communicate in Langue des signes québécoise (LSQ). As the mother was planning to move from one designated area under the *FLSA* to another, she made sure that her daughter's file was properly transferred several months in advance. She insisted on continuing to receive uninterrupted service in French. She was told that she would have to wait, because the agency had to hire someone to deliver LSQ.

Despite her efforts before the move, the mother said she was frustrated at having to wait five months to get the same service her daughter was receiving previously.

> [TRANSLATION] "It's ironic. We moved to get better services for our daughter, but that didn't happen. I felt distressed about the lack of French-language services. (...) A deaf child has the same needs in every region. That's what bothers me. The critical years for acquiring language are between birth and the age of 5, and it's during this time that many children and families are not receiving the services they desperately need."
>
> *A complainant*

This program, which is administered by the Ministry of Children and Youth Services, is designed to meet the specific needs of children who are deaf and hard of hearing, and their families, as in this case. But history clearly shows that the specific and unique needs of Francophone citizens have not been considered.

The investigation carried out by the Commissioner's Office quickly revealed that none of the 12 agencies responsible for the program currently has the capacity to provide LSQ. Consequently, it is a problem of widespread absence of services in Ontario.

The Ministry points out that LSQ services are not the same as French-language services, and that the demand for LSQ services is very low. The Commissioner does not agree and

[16] *Ibid.*, p.3.

notes that he will provide the necessary clarifications in the forthcoming report on the governance of the Centre Jules-Léger. Nevertheless, this issue involves disadvantaged parents who are doing everything they can to build a bridge so that they can communicate in a common language with their vulnerable children who are deaf or hard of hearing. The Ministry has made a commitment to help Francophone families waiting for services. The Commissioner's Office promises to monitor the situation closely.

## Restructuring of mental health services for youth

In 2014, the Ministry of Children and Youth Services undertook a province-wide restructuring of community mental health services for children, youths and their families. For the Government, this restructuring is desperatly needed, not just for Francophones, but for all Ontarians. The system is badly fragmented and many families in need do not know where to turn. Therefore, the Ministry plans to identify lead agencies for each of the 33 areas it has designated in Ontario.

Under this model, each lead agency will have to take responsibility for planning and delivery of mental health services for children and youths in its service area, including Francophones. To this end, the lead agencies may themselves provide mental health services to Francophone children and youths, or subcontract the work to other agencies.

For the Ministry, this intersectoral model is designed to strengthen the community system and provide coordinated, high-quality core services. It is intended to ensure that everyone knows what services are available in the community and how to access them.

But the Francophone community is raising legitimate concerns.

These planned changes have resulted in a number of comments, concerns and complaints to the Commissioner's Office. The concerns have to do with the fact that agencies that are unilingual or, at best, bilingual – in theory only – will be responsible for planning, delivering, or arranging for the delivery of mental health services for young Francophones in their designated regions. The complainants are worried that if that turned out to be the case, the Ministry would not be fulfilling its legal obligations to provide linguistically and culturally appropriate services to its Francophone clients.

The Commissioner's Office is currently concentrating on disadvantaged populations. And for good reason. Although the framework of this restructuring reflects the requirement to consider the needs of young people from Francophone communities, the concerns are legitimate. This is a case of déjà vu regarding Francophone health.

In 2013 and subsequently, a number of organizations duly warned the Ministry that any change must take the specific needs of Francophones into consideration at various levels (planning and delivery of services). The Commissioner's Office therefore took the bull by the horns before irrevocable decisions could be made. Many meetings were held, primarily between the Ministry and the Office of Francophone Affairs, but also with other ministries, in order to convince the government of the need to take immediate action.

The Commissioner's Office has insisted that the Ministry engage actively with the Francophone community and with leaders experienced in addressing the mental health needs of Francophone families. There are some promising early signs that this engagement is happening. For instance, the Ministry has been meeting with the French Language Health Planning Entities. There are still many areas of concern, but discussion is always good.

The Ministry is very aware of the concerns raised by the Francophone community with respect to the Moving on Mental Health transformation plan. The Commissioner sees this as an opportunity for the government to show leadership and will continue to keep a close eye on developments in this matter.

# Immigration

The Commissioner of Official Languages of Canada and Ontario's French Language Services Commissioner issued in November 2014 a joint report titled "Time to Act for the Future of Francophone Communities: Redressing the Immigration Imbalance"[17] highlighting the need for the federal and provincial governments to include a Francophone perspective in their immigration policies and programs. This follows the news release of the two commissioners proposing four guiding principles.

Many prospective French-speaking immigrants know little about the linguistic situation in Canada, incorrectly believing that the country is completely bilingual. They either know little about the options available to them in the provinces and territories outside Quebec or are unaware that there are Francophone communities in those regions. Many stakeholders have affirmed that continuing efforts must be made to promote Francophone communities and the benefits they have to offer to prospective immigrants and to employers needing to recruit foreign workers.[18] Prospective immigrants also have to know about the prevailing realities in Canada's different regions.

When they arrive, newcomers are sometimes referred to English or bilingual settlement services that know little or nothing about Francophone communities and

[17] Office of the Commissioner of Official Languages of Canada and Office of the French Language Services Commissioner of Ontario, *supra* note 4.

[18] Evidence presented by Marie-France Kenny and Suzanne Bossé, Fédération des communautés francophones et acadienne du Canada, to the Standing Senate Committee on Official Languages, March 3, 2014, Issue 4, pp. 4:26–4:41. Available online: www.parl.gc.ca/content/sen/committee/412/OLLO/04EV-51239-E.HTM (page consulted in May 2015).

institutions.[19] Stakeholders also point to the uneven nature of services provided by bilingual organizations.

Newcomers' unfamiliarity with services available in French or the presence of Francophone communities and institutions in their new region is often cited as a challenge.

Several Francophone community representatives, including the Fédération des communautés francophones et acadienne du Canada and the Assemblée de la francophonie de l'Ontario,[20] said it is important for services and support (including language training) for French-speaking newcomers to be provided in an integrated fashion by Francophone institutions and communities at each stage in the immigrant experience. This means services *by* and *for* Francophones. The belief is that meaningful ties between newcomers and Francophone communities will be established when services and education are provided by Francophone institutions.

> [TRANSLATION] "After staying in Quebec briefly, my family and I decided to move to Ottawa to improve our chances of finding work. I took a language test at a community centre so I could enrol in an integration program for newcomers. When the officers at the centre discovered that I speak French, they strongly suggested that I take the integration program in English. I told them that I wanted to integrate first in a language that I understood before tackling English. To me, English was an asset and a means of communication for employment purposes, not a settlement language. In the end, I took a program in French, and it helped me capitalize on my foreign credentials and experience. I was subsequently able to find a job."
>
> *Apollinaire Yengayenge, newcomer who settled in Ottawa*

Many Francophone communities are located in rural areas or in small centres that are grappling with a generalized population exodus. Given that many immigrants prefer to settle in large urban centres, owing to the presence of services and cultural communities or for economic reasons, it is more difficult for these Francophone communities to attract and retain newcomers. In these regions, newcomers also have to be able to find jobs. As researcher Chedly Belkhodja put it, "in rural contexts, there has to be an economic attraction, an employer, something."[21]

For most immigrants, be they Francophones or Anglophones, labour market access and integration are significant challenges. The importance of English is an added challenge, because that language predominates in the workplace.

These challenges are compounded by other difficulties, such as a lack of resources and a lack of data on immigrant pathways; immigrant mobility, which can be affected by a number of factors, including employment; the impact that this mobility has on service delivery; recognition of foreign credentials; and socioeconomic issues, such as poverty.

The Commissioner's report presents an overview and analysis of the issues surrounding immigration to Francophone communities. The goal was not to present a comprehensive account, but to highlight some of the main challenges. The report examines, among other things, the work that has been done by key players, including the federal government, the Ontario government and the communities, and notes some of the obstacles that Francophone newcomers face during their settlement process.



[19] Evidence presented by Nicole Gallant, INRS, to the Standing Senate Committee on Official Languages, April 28, 2014, Issue 6, pp. 6:3–6:38. Available online: www.parl.gc.ca/content/sen/committee/412/OLLO/06EV-51355-E.HTM (page consulted in May 2015).

[20] Evidence presented by Denis Vaillancourt, Assemblée de la francophonie de l'Ontario, to the Standing Senate Committee on Official Languages, June 2, 2014, Issue 7, pp. 7:33–7:66. Available online: www.parl.gc.ca/content/sen/committee/412/OLLO/07EV-51481-e.HTM (page consulted in May 2015).

[21] Evidence presented by Chedly Belkhodja, Concordia University, to the Standing Senate Committee on Official Languages, March 31, 2014, Issue 5, p. 5:25. Available online: www.parl.gc.ca/content/sen/committee/412/OLLO/05EV-51292-e.HTM (page consulted in May 2015).

# COLLABORATIONS AND AGREEMENTS: GOING ABOVE AND BEYOND

## Law Society of Upper Canada

The Law Society of Upper Canada is the professional association that oversees the legal profession in Ontario. Its mission is to protect the public by ensuring that lawyers and paralegals practising law in the province are properly licensed, trained and governed.

> [TRANSLATION] "What struck me most occurred in the process of my becoming a lawyer in Ontario, i.e., getting admitted to the bar. I had to take two exams. The Law Society sent me reference materials in French to study for these exams. Except that the documents were full of grammatical and translation errors. They were of poor quality. In my exams (in French), some questions were difficult to understand for the same reasons. It seems as if this association, which promotes rights, is violating rights. I am left with the impression that French-language services are done by halves. It seems that for them, the real business is done in English. That, in any case, it's not the end of the world if Francophones don't understand. They assume that we'll end up reading the English version in order to understand!"

*A complainant*

For some time now, the Law Society has been committed to providing services in French to its members and the public. However, the Commissioner's Office has received a very large number of complaints about the Law Society. The complaints are of various types: distribution of English-only information to members, insufficient availability of professional development courses in French, and imbalance in the workload associated with the French-language bar examination.

French and English are the official languages of Ontario's courts,[22] and for the purposes of the *French Language Services Act*, the Office of the French Language Services Commissioner considers the Law Society to be an institution of the Legislature, which many people, including and especially some in the Law Society itself, dispute.

Consequently, it was with pride and enthusiasm that in October 2014, the Commissioner's Office and the Law Society signed a protocol to address complaints[23] received about the Law Society's French-language services. The Commissioner's Office is delighted with the prevailing spirit of cooperation and the resulting commitment.

> "This is an important confirmation of the rights of Ontarians, as well as a confirmation of the Law Society's continuing commitment to access to justice in French."

*Janet Minor,*
*Treasurer of the Law Society of Upper Canada*

This protocol demonstrates the Law Society's leadership, not only in implementing the Rouleau-Le Vay report, but also in resolving the complaints received about the Society. The Commissioner's Office is looking forward to working with the Law Society to resolve difficulties in obtaining services in French. An implementation plan has been developed, and some complaints have already been transferred to the Law Society. The Commissioner intends to review and analyze every response from the

[22] See sections 125 and 126 of the *Courts of Justice Act*.

[23] Available online: http://csfontario.ca/en/articles/5108 (page consulted in May 2015).

Law Society and to continue giving priority to access to justice in French.

Lastly, this agreement is also intended as a precedent for other professional associations. The Commissioner's Office invites them to follow suit.

# TO2015

In the summer of 2015, Toronto will host one of the most important events ever held in Canada: the Pan / Parapan American Games. These Games will showcase Ontario's richness, diversity and cultures and will leave a lasting legacy.

The Pan / Parapan American Games are the largest international multisport events, and they will be twice as large as the 2010 Winter Olympic Games in Vancouver.

## Dialogue to reinforce linguistic duality

The Commissioner's Office regards the Pan / Parapan American Games as an excellent opportunity to promote linguistic duality, an essential component of Canada's and Ontario's identity. It also sees the Games as an opportunity to mark the 400th anniversary of Samuel de Champlain's visit and the Francophone presence in Ontario by highlighting the Franco-Ontarian community's multi-faceted contribution to today's society.

"TO2015 is committed to engaging Francophone communities across the country, including Franco-Ontarians, as we work together to plan and stage, in both official languages, the best Pan Am and Parapan Am Games ever held. The Games are all about building a sense of connection and community, and valuing diversity. Linguistic accessibility promotes inclusion and ensures all visitors have a great experience at the Games."

*Saäd Rafi, CEO, Toronto 2015 Pan American and Parapan American Games TO2015.*

A collaborative project was initiated in 2013 between the Commissioner's Office and its federal counterpart, the Office of the Commissioner of Official Languages of Canada, in a dialogue with TO2015. The purpose of this conversation was to ensure that all services associated with the event will be available to the public in French and English before, during and after the Games. The collaboration is also intended to ensure that the Francophone community is included in this sports exhibition and that its needs are taken into account in every area.

A few months later, in November 2014, the two commissioners' offices and the CEO of TO2015 signed an agreement[24] on the bilingual nature of the Games and their reflection of Canada's and Ontario's linguistic duality, which includes a complaints handling process.

The Commissioner's Office has already received a complaint about the lack of French-language services in the selection interview process for volunteer jobs for the Games. The complaint was resolved satisfactorily and even led to commitments by TO2015.

The memorandum of understanding will be reviewed after six months, in the summer of 2015, to evaluate the results.

# Elections Ontario

The Commissioner's Office signed its second letter of agreement[25] with Elections Ontario in 2014, a year when provincial elections were held. In the days following June 12, 2014, the Commissioner's Office received complaints about English-only documents, Notice of Registration cards with no accents on voters' names, and a lack of French-language service at polling locations across the province.

The most recent election is a reminder that nothing is perfect. The Commissioner's Office worked with Elections Ontario in advance of the previous general election in 2011 to ensure that everything would be in place so that Francophones would be able to vote in French. It is important for Elections Ontario to work on improving French-language services, including correspondence with voters, forms and services provided at polling locations, on the website, in social media and over the telephone.

[24] For more information: http://csfontario.ca/en/articles/5217 (page consulted in May 2015).

[25] For more information: http://csfontario.ca/en/articles/4924 (page consulted in May 2015).

## Reminder

- **All signage, tools and other documents for voters and all training materials for polling location staff available in both English and French**
- **Continued election staff training efforts**
- **Education of temporary workers and volunteers on providing high-quality customer service in French**

Elections Ontario took these new complaints about French-language services very seriously. After inquiries and an investigation, it appears that some information on the Notice of Registration card is entered manually by the office of the Returning Officer for each riding. This procedure can result in typographical errors or inaccuracies in entering key voter data.

The organization apologized for this problem and promised the Commissioner's Office that it would update its instructions for Returning Officers and their temporary staff to reinforce the need to insert French accented letters in the system. It is clear to both parties that Francophone citizens must participate in the electoral process without impediment.

Elections Ontario also made a commitment to make the necessary effort to find bilingual election staff for the next provincial elections in 2018. That said, the community must do its part. Members of the community are encouraged to get involved and be part of the solution by applying for a poll official position in the next general election or by-election. The Commissioner's Office is happy to report that the efforts were effective since no complaints were received following the February 2015 by-election in Sudbury. Knock on wood.

# ISSUES TO WATCH

## Services for parents of dyslexic children

In 2014, the Commissioner's Office was contacted about French-language services for parents of dyslexic children or children with learning disabilities. This issue falls within the purview of the Ministry of Education, with which the Commissioner's Office has already initiated a productive dialogue. So far, the conversations have resulted in a better understanding of the issues that, ultimately, affect dyslexic Francophone children.

In Ontario, there are two organizations in this area: the Learning Disabilities Association of Ontario (LDAO), which provides services and resources to people with learning disabilities, whether they are children, parents, teachers or professionals in the field, and the Association francophone de parents d'enfants dyslexiques ou ayant tout autre trouble d'apprentissage (AFPED+). This association provides support to Francophone parents in Ontario who have a child with learning disabilities. The two associations are non-profit organizations. Thus, funding is a critical issue when it comes to meeting the needs of Francophones with dyslexia or learning disabilities. The Commissioner's Office wonders whether the Ministry of Education, through its support for the LDAO, is sufficiently supporting parents of Francophone children with learning disabilities.

Consequently, the Commissioner's Office intends to keep an eye on this issue while maintaining its useful dialogue with the Ministry.

## Occupational training

Occupational health and safety is a huge industry in Ontario. Many private sector companies, non-profit organizations and the Ministry of Labour as well as the Workplace Safety and Insurance Board (WSIB), provide health and safety training. In particular, non-profit organizations provide such training to employers and employees. Some complainants report that certain organizations no longer have Francophone instructors for their health and safety training.

The Ministry of Labour and the WSIB clearly have obligations under the *French Language Services Act*, but non-profit organizations are not subject to it, or to Regulation 284/11, according to the Ministry. The Commissioner's Office recognizes that the Ministry is aware of its responsibilities under the *Act*. But when it comes to non-profit organizations, it maintains that it is important for Francophones to be entitled to the same resources and training as Anglophones. However, the Commissioner's Office does not agree with the Ministry's analysis or its narrow interpretation of its obligations. The Commissioner's Office would therefore like to discuss this matter with the Ministry and does not rule out an official investigation on the subject.

# Penetanguishene General Hospital

Last November, the Commissioner's Office launched an investigation[26] into the announced closure of Penetanguishene General Hospital, an institution in which some services are partially designated. Even though they are protected by the *French Language Services Act*, a quasi-constitutional law, these services are currently in danger of being eliminated without due process under the *Act*.

In his investigation, the Commissioner will examine the planning, the process and the public consultations that took place before the decision was made to close this partially designated hospital. The Commissioner's investigation will focus on the Office of Francophone Affairs, which is responsible for managing the process of revoking the designation of a public service agency, or for amending a regulation designating a public service agency so as to exclude or remove a service from the designation. The investigation will also involve the Ministry of Health and Long-Term Care and the North Simcoe Muskoka LHIN, which oversee the delivery of health care services in the region.

# Centre Jules-Léger

For some years now, the issue of the Centre Jules-Léger's governance has raised tempers and a number of questions, particularly among the Centre's clients. Needless to say, the Centre's clients and their parents– Francophone students in Ontario who have severe learning disabilities or are deaf, hard of hearing, blind, low hearing or deaf-blind – definitely belong to the category of vulnerable people.

The Commissioner's Office is in the process of analyzing the implications and issues associated with the Centre's governance, and many consultations were held with parents of students, teachers, staff and managers in Ottawa in the fall of 2014. Analysis of the various governance models also requires particular attention to assurance of the quality of education for Francophone students who are deaf, blind, low vision, hard of hearing or deaf-blind or have severe learning disabilities. The Commissioner's Office is confident that it will be able to publish its final investigation report in summer 2015.

# Follow-up on the investigation of Greater Toronto Area (GTA) schools

As the Commissioner's Office noted in its investigation report,[27] while the demand for French-language education programs continues to grow, some English-language public school boards in the GTA, in particular Toronto District School Board, were – and still are – experiencing declining enrolment, resulting in a surplus of school facilities that could be put to better use. In this context, the Commissioner's Office plans to follow up on its investigation during the coming year.

# City of Ottawa

In its most recent preliminary budget, the City of Ottawa published an English-only document, on the pretext that it was "much too large" to be translated into French, even though members of the public, including Francophones, were invited to comment on the document. This shortcoming is especially intriguing since the City has a Bilingualism Policy[28] and By-law No. 2001 - 170,[29] which entrenches and grants the same rights, status and privileges to both official language groups in its population. As a result, the French Language Services Commissioner has launched an investigation of the City of Ottawa's budget communications and adoption process pursuant to his legal responsibilities and obligations.

# Direction Ontario

Last March, Direction Ontario's board of directors decided to cease its activities. Its mandate was to promote tourism in French in Ontario. Recently, Direction Ontario had launched an initiative to increase the Francophone visitors in the province. The Commissioner's Office is both disappointed and concerned by the disappearance of this publicly funded agency and key partner for the Francophone community. It counts on the government to follow up on this situation.

[26] For more information: http://csfontario.ca/en/articles/5172 (page consulted in May 2015).

[27] Office of the French Language Services Commissioner, *French-language schools in the Greater Toronto Area: When the most elementary becomes secondary*, Investigation Report, Toronto, 2011.

[28] Available online: http://ottawa.ca/en/city_hall/your_city_government/policies_and_administrative_structure/bilingualism_policy (page consulted in May 2015).

[29] Available online: http://ottawa.ca/en/residents/laws_licenses_and_permits/laws/bilingualism_law_no_2001_170 (page consulted in May 2015).

# SOME GOOD MOVES

In this report, the Commissioner keeps up the tradition of recognizing best practices, noteworthy initiatives and innovation by government ministries and agencies in providing French-language services.

## Best practices

The best practices chosen by the Commissioner were selected because they were developed in partnership with the Franco-Ontarian community, or because they enhanced the vitality of disadvantaged Francophone populations in some concrete way.

### Ontario and Quebec sign a statement on the Canadian Francophonie

In 2014-2015, Ontario and Quebec agreed to resume joint cabinet meetings to discuss issues of importance to central Canada and to further develop their cooperative relationship. The four joint meeting of the Cabinet Ministers of both provinces took place on November 21, 2014, in Toronto. In the context of this meeting, the Office of Francophone Affairs worked closely with the Secrétariat aux affaires intergouvernementales canadiennes du Québec to produce the Statement on Canadian Francophonie.[30] Through this statement, Ontario and Quebec made a commitment to work closely together on the Canadian Francophonie, notably by:

- seizing the opportunity of the celebrations of 400 years of French presence in Ontario and the various events leading up to the 150th anniversary of Confederation;
- asking the federal government to act quickly on Francophone immigration;
- urging the federal government to support Radio-Canada in fulfilling its mandate;
- promoting exchanges between young Ontarian Francophones and those attending French immersion classes and young Québécois; and
- encouraging the active offer of services in French in order to enlarge the *espace francophone* in Canada.

### Early integration of French-language services of the Ministry of Children and Youth Services

The Child Protection Information Network is a new single – case management system for child welfare that replaces six different types of case management systems and standardizes business processes. The goals of the new system are to enhance child safety, improve Children's Aid Society (CAS) management and ministry oversight through the provision of more timely, accurate, and comparable data, and reduce the adjudicative burden on CASs.

The language in the application was also reviewed to ensure that the proper Ontario child welfare terminology was reflected in both languages. Users are able to toggle between English and French screens. Training materials, including curriculum and computer simulations, will also be available in French where required.

### Union des cultivateurs franco-ontariens (UCFO) service delivery improvement

Ministry staff from the Ministry of Agriculture, Food and Rural Affairs has worked with Agricorp and the UCFO to determine the best way to help the UCFO identify Francophone farmers to improve the UCFO's ability to offer its services to them. As a result, information about the UCFO and its services was included in the Farm Business Registration (FBR) renewal package sent annually by Agricorp. The Ministry has also begun to provide the UCFO with the business contact information of the Francophone customers in the FBR database. Agricorp is continuing to explore how else it can help the UCFO meet its objective.

[30] Available online: http://news.ontario.ca/opo/en/2014/11/statement-on-canadian-francophonie.html (page consulted in May 2015).

## Ministry of Transportation's Bilingual Strategy for Variable Message Signs

On January 20, 2015, the Minister of Transportation announced a strategy for the province-wide deployment of bilingual variable message signs (VMSs) in areas designated under the *French Language Services Act*. Why was the Ministry not able to add French characters to these signs years ago? It seems rather simple, but in reality involved many years of work on the part of Ministry staff and consultants who worked diligently to roll out the strategy.

The multitude of stages throughout the project from 2004 to 2015 led to the completion of modifications to the central sign control software, produced a final report, secured the approval of the pictogram library, federal-provincial funding for the education campaign, a VMS policy and publicity of the study across government transportation and transit agencies, consulting firms, industry vendors and software developers.

Best practices from around the world with regional research and public input have helped the ministry create signs designed for Ontario drivers. This is the first bilingual image-based signage plan developed and executed province-wide in Canada.

## Knowledge Exchange and Networking Sessions

In the fall of 2014, the Ontario Women's Directorate met its Sexual Violence Action Plan commitment to convene a series of community sessions with local service providers to build relationships and strengthen collaboration. The Directorate held knowledge exchange and networking sessions on collaborating to respond to sexual violence in Toronto, Timmins, Thunder Bay and Orleans. The sessions brought together service providers and other professionals from across sectors to network, exchange information on innovative programs and initiatives, and explore opportunities to develop more collaborative and inclusive approaches to prevent and respond to sexual violence.

In discussions with local partners, the Directorate assessed how to accommodate service providers' participation in the sessions, which included evaluating how to best integrate both French and English into the sessions, such as with bilingual facilitators, presenters, meeting materials, as well as consecutive and simultaneous interpretation. This resulted in a high degree of appreciation from session attendees, who were able to participate in the official language of their choice during the panels, the breakout discussions and the report-back sessions.

## Élargir l'espace francophone – The *Mining Essentials* program

In the summer of 2014, Collège Boréal delivered a 12-week training session to First Nation, Métis and Inuit students from Northern Ontario French-language secondary schools as well as potential college and university students. Some were seeking to move on to the labour market immediately after completing their secondary school studies while others sought to pursue postsecondary education. The *Mining Essentials* program was delivered in French for the first time in Canada. The collaboration was initiated by Élargir l'espace francophone, resulting in partnership with the Destination réussite – Volet 1 Steering Committee for the Northern Region, the Métis Nation of Ontario and the Mining Industry Human Resources Council.

The *Mining Essentials* program is designed to teach skills through hands-on experiences, tools, documents and authentic situations specific to the industry, while focusing on Aboriginal cultures and traditions. It combines two approaches to enhance the learning experience:

- classroom training on basic skills and non-technical preparatory work deemed necessary by the industry to get an entry-level job; and
- activities aimed at discovering the industry, including site visits, practical exercises, conferences and professional recognition, as defined by the educational institution providing the training and its partners.

# Noteworthy initiatives

The noteworthy initiatives chosen by the Commissioner were selected because they have maintained quality French-language services or because they have shown superior results without complying with legislated standards. Each one of the following initiatives is detailed in the interactive version of this report.

- Social Services FLS Human Resource Recruitment Strategy in Hamilton/Niagara (MCSS/MCYS)
- Pan / Parapan American Games – Highway Signs and Banners
- Mental Health and Addiction Francophone Continuum - Central East, Central and Toronto Central LHINs
- Cultural competency training for FLS delivery - Toronto Central LHIN
- Mental Health First Aid for Francophone Seniors - Mississauga Halton LHIN
- Developing a bilingual capacity - Hamilton Niagara Haldimand Brant LHIN
- Élargir l'espace francophone – Information package on French-language education entitled "Un monde de possibilités"
- Summer Employment Opportunities Program (HROntario): 191 Students hired across the OPS into English-French bilingual positions in 2014
- Court Services Division – FLS ICON

# Honourable mentions

The honourable mentions recognize the leadership shown by government ministries and agencies that have made efforts to expand the delivery of high-quality French-language services. Each one of the following initiatives will be the subject of a blog post by the Commissioner in the coming year.

- Commemoration of the 400th anniversary of the French presence in Ontario
- Violence Against Women Report on the Summit (États généraux Action ontarienne contre la violence faite aux femmes)
- Regional partnerships in education on Francophone adults training
- Consortium Avantage Ontario – International strategy for French-language postsecondary education in Ontario
- Ontario Power Authority and Independent Electricity System Operator Merger
- @Ontario511 French Twitter Account
- Common Service Standards Review implemented by the Ministry of Environment and Climate Change
- Élargir l'espace francophone – French summer camps at Toronto's Harbourfront Centre

# BUDGET

## Proposed estimates for 2014/2015

| | |
|---|---|
| Total salaries and benefits | **$725,300** |
| Total operating expenses | **$462,500** |
| **TOTAL** | **$1,187,800** |

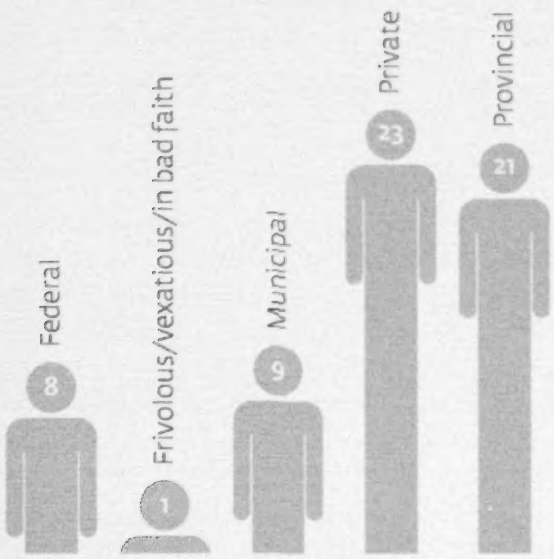
# STATISTICS

## More than 1 complaint per day in 2014-2015

During the 2014-2015 fiscal year, the Commissioner's Office received 379 complaints. The fiscal year resulted in the launch of two official investigations, as well as a large number of complaints covering a wide range of issues, including the absence of French-language services at service counters, a disparity in training opportunities in French and services that were of poor quality.

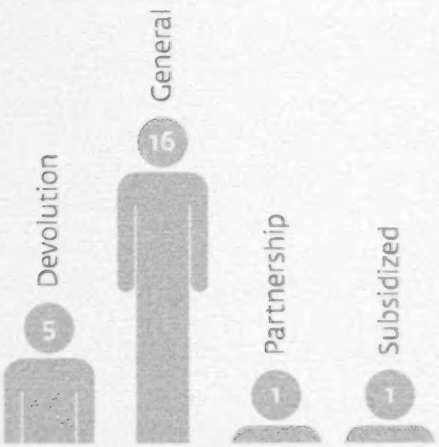
## Geographic distribution of 2014-2015 complaints

# 62
## Inadmissable Complaints




# 9
## Low Impact

# 23
## Other Types of Complaints****




# 285
## Number of Admissible Complaints by Institution

- 4 Cabinet Office
- 8 Designated agencies*
- 19 Legislative Assembly**
- 29 Ministry of the Attorney General
- 8 Ministry of Children and Youth Services
- 2 Ministry of Citizenship, Immigration and International Trade
- 10 Ministry of Community and Social Services
- 9 Ministry of Community Safety and Correctional Services
- 23 Ministry of Education
- 5 Ministry of the Environment and Climate Change
- 18 Ministry of Finance
- 19 Ministry of Government and Consumer Services
- 66 Ministry of Health and Long-Term Care
- 4 Ministry of Labour
- 7 Ministry of Natural Resources and Forestry
- 18 Ministry of Tourism, Culture and Sport
- 7 Ministry of Training, Colleges and Universities
- 19 Ministry of Transportation
- 10 Municipalities***

* These complaints relate to agencies and institutions designated under the *French Language Services Act*.

** These complaints relate to entities that report directly to the Legislative Assembly.

*** These complaints are deemed admissible when they are brought against a municipality that has a by-law that guarantees the provision of French-language services.

**** These complaints are within the provincial government's purview and relate to agencies created or mandated by various ministries to offer programs and services that, in cases of devolution, were previously delivered by the province.

# CONCLUSION

This year, the Commissioner's Office chose to focus on the sectors it has identified as priorities based on complaints that cannot be passed over in silence. Some of these complaints illustrate a number of systemic problems that the Commissioner's Office has been striving to draw attention to for the last eight years. Health, youth, justice, senior citizens and immigration are the sectors that attract the most complex and poorly understood cases. This year, the spotlight was on them, and on people who will never complain, even when they are in a vulnerable situation. The intent was to highlight the fact that they will never demand their rights. There are still very few daring enough to do so, and unfortunately they do not represent the voice of the majority.

The Commissioner has been very clear and firm on this point. Gaps in French-language services simply generate additional costs. This is particularly true in the health sector. And since health is the largest public sector, there is an urgent need for action. In view of the speed at which the population is aging, and the fact that the Francophone population is older than Ontario's total population, health must become a priority issue for the government. It is the government's responsibility.

In the same vein, the Commissioner has said that he is very satisfied with the formation of three key partnerships covering, in part, the sharing of responsibilities. An agreement with the Law Society of Upper Canada dealt with the shared processing of complaints about French-language services. The signing of a second letter of agreement with Elections Ontario reinforced the latter's commitment to provide bilingual staff during general elections or bi-elections. The goal was to ensure that Francophone citizens can take part in the electoral process without obstacles. Also, a memorandum of understanding on the bilingual nature of the TO2015 Games established a complaint resolution process, in addition to reflecting the linguistic duality of Canada and Ontario.

Aside from the TO2015 Games, 2015 is the year in which we celebrate the 400th anniversary of the French presence in Ontario. What's more, 2016 will mark the 30th anniversary of the *French Language Services Act*. In this context, the Commissioner would like to point out that all these collective efforts and gains enhancing the Francophonie remain fragile. As this year's complaints have highlighted, the government must address the very human and individual need that citizens are entitled to: access to timely, high-quality services.

Abandoning a citizen seeking services in French, especially if he or she is in a vulnerable situation, amounts to abandoning the entire community, the province and the country. Ontario is a leader in Canada. The province must act like a leader in this pivotal year when all eyes are on it.